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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/955,544	09/17/2001	Gregory John Litster	57046-001US0	5670
22504 7590 01/19/2011 DAVIS WRIGHT TREMAINE, LLP/Seattle 1201 Third Avenue, Suite 2200 SEATTLE, WA 98101-3045				
EXAMINER AKINTOLA, OLABODE				
ART UNIT 3691		PAPER NUMBER		
NOTIFICATION DATE 01/19/2011		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

seapatentdocket@dw.com

Office Action Summary**Application No.**

09/955,544

Applicant(s)

LITSTER ET AL.

Examiner

OLABODE AKINTOLA

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 17-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15 and 17-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GA-06)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/14/2010 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 13-15, 17-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Krueger et al (USPN 6980970) in view of Davis et al (USPN 6282522) (Davis) and further in view of Ausems et al (USPN 6434403)

Re Claims 13, 14, 17-25: Krueger teaches a method of making a financial transaction over the internet, the method comprising: receiving at a virtual credit card terminal (VCT) gateway a request for a transaction number from a merchant after the merchant has received an indication from a purchaser that the purchaser has elected to pay for selected items from the merchant by credit card means using a virtual credit card terminal (col. 2, lines 39-45); sending the transaction number to the merchant, the merchant providing the purchaser with the transaction number received from the VCT gateway (col. 2, lines 46-49, col. 3, lines 21-25); receiving a VCT transaction request at the VCT gateway from the purchaser, the transaction request comprising the transaction number and details of the credit card means entered into the virtual credit card terminal by the purchaser (col. 2, lines 50-54, col. 3, lines 27-30, col. 5, lines 37-44); processing the VCT transaction request by the VCT gateway to facilitate formation of a bank transaction request; sending the bank transaction request from the VCT gateway to a bank; in response to the bank transaction request, receiving advice from the bank to the VCT gateway as to whether the transaction has been approved; and sending the advice from the VCT gateway to the merchant and the purchaser; wherein if the transaction has been approved, providing the merchant and the purchaser with a transaction authentication code (see at least abstract, col. 2, lines 54-60, col. 3, line 66 through col. 4, line 3; col. 5, lines 52-62);

Krueger does not explicitly teach that the VCT comprises a credit card means reader and a digital processing device operatively associated with the credit card means reader and encoding transaction programs that allows opening of an interactive terminal window for processing of the

transaction, and wherein the virtual credit card terminal is registered with a VCT gateway; wherein the merchant is registered with the VCT gateway.

Davis teaches a VCT comprises accredit card means reader and a digital processing device operatively associated with the credit card means reader and encoding transaction programs that allows opening of an interactive terminal window for processing of the transaction, and wherein the virtual credit card terminal is registered with a VCT gateway; wherein the merchant is registered with the VCT gateway (fig. 4, col. 7, lines 7-10, 44-46, col. 11, lines 5-15 and col. 13, lines 60-61). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the VCT of Davis with the system of Krueger in order to provide alternative payment means, thereby enhancing the functionality of the system.

Krueger and Davis do not explicitly teach the merchant providing the purchaser with a merchant identification and an amount to transact from the merchant.

Ausems teaches this concept at col. 6, lines 41-44. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to include this information as part of a confirmation process.

Re claim 15: Davis further teaches providing, by said merchant, said purchaser with a merchant receipt (col. 14, lines 62-65). Krueger and Davis do not explicitly teach providing, by said purchaser, the merchant with delivery details. Official notice is hereby taken that this concept is old and well known. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krueger in view of Davis for the obvious reason of delivery the goods to the user.

Response to Arguments

Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a) Fox et al (USPN 5790677) disclose a system and method for secure electronic transaction (Figures).

b) Hughes et al (WO 96/04618) disclose a system for remote purchase payment and remote bill payment transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629. The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Olabode Akintola/

Primary Examiner, Art Unit 3691